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**To:** Microsoft ATR  
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In the first trial that Microsoft was convicted of abusing its monopoly power, the judge rejected the DOJ's proposed "punishment" (which was essentially - stop doing the bad things you've been doing) since it was not punishment. At that point, the DOJ joined Microsoft in arguing that it was. They succeeded in getting a new judge to accept their non-punishment.

Now a second trial has convicted Microsoft of abusing its monopoly power. Again the DOJ has chosen to not punish Microsoft. And this despite Microsoft executives continuously lying or conveniently not understanding their own damning written communications. Despite Microsoft being caught giving deceitful demos, but for which they went unchastised during the trial. Compaq decided they wanted to include Netscape's browser on their computer. Microsoft immediately decided Compaq would not be able to buy Windows. Compaq was forced to longer use Netscape as they couldn't sell computers without Windows. Prodigy Internet wanted to be one of the Internet Service providers preinstalled in Windows. Microsoft said, sure, as long as you switch from Netscape to Internet Explorer. Intel wanted to develop some Java apps. Microsoft said if you do, we will make Windows work better with AMD products. And more abuses, including the current Microsoft license that says no second operating system may be added by the computer manufacturer to any machine which has Windows on it. An item which the DOJ CHOSE NOT TO PURSUE IN IT'S CASE!!!! Incredibly the first trial finally forced Microsoft to stop using a software license that forced payment to them for each machine sold, not just those that had Windows installed; and yet the second trial decided not to pursue their equally abusive current license.

I would be reluctantly expecting a third trial, except for the fact that Microsoft's monopoly is now complete. There is no company to worry about them damaging. OS/2 is gone. Corel is only in business because Microsoft gave them some money. Netscape is no longer a company, and its new owner, AOL only uses Internet Explorer with their service.

Only consumers can force a trial now, and unfortunately, the excessive price Microsoft charges for their products - giving them a huge monopoly sized profit margin and profits - has never been an issue. And a recent class action lawsuit was settled at Microsoft's suggestion with a settlement that just shows Microsoft has the government in their pocket - the "penalty" was again a non-punishment - Microsoft gets to give their software (along with machines to run them) to poor secondary schools. Secondary schools, one of the last places where Microsoft had some competition - from Apple. Amazing.

Thanks for making a mockery of justice and right and wrong, DONJ.

Robert Smith